

memorandum

ES - 90-003672

D95

Date:

SECRETARIAL ACTION REQUESTED BY:

Originating Office: DP-2:Gilbert:586-2177

Transmittal:

Action: Response to a resolution passed by the Nitijela (Congress) of the Marshall Islands commending the Secretary for his support of a second look at the Rongelap issues and urging him to implement a Phase 2 study of Rongelap Island.

To:

The Secretary

Issue:

The proposed response acknowledges the commendation but withholds taking a position on the Phase 2 study pending completion of the second look at the Rongelap issues promised by the Secretary. However, it does pledge full cooperation by the Department of Energy (DOE) with a Phase 2 study if it is undertaken.

Discussion:

Staff has proposed to the Secretary that the National Academy of Sciences be contacted to determine their willingness to undertake an independent review of the Rongelap issues to satisfy the Secretary's commitment. As of this writing, that step has not yet been taken.

When the Compact of Free Association was created, the Congress awarded the Marshallese Government a sum of approximately \$150 million to compensate them for their damages and to allow them to undertake studies or rehabilitation work as they are requesting for their Phase 2 study. This issue should be left to Congress, but DOE pledges to cooperate with this study if it is undertaken.

Recommendation:

That you sign the attached letter to the Speaker of the Nitijela.

John C. Tuck
Under Secretary

Attachment:
As Stated

Concurrence: IE: Rees for Williamson 4/9/90 CP: JKB - 4/24/90
Easton - 4/15/90

The attached correspondence has no relation to the Naval Nuclear Propulsion Program.
Naval Reactors concurrence is not required.

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Letter - Marshall Islands 1990

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The Secretary of Energy
Washington, DC 20585

The Honorable Kessai H. Note
Speaker, Nitijela of the Marshall Islands
Majuro, Marshall Islands 96960

Dear Mr. Speaker:

I have received a copy of Nitijela Resolution 76 which commends my decision to take a fresh look at the Rongelap situation and urges me to implement the study of Rongelap Island referenced in Section 301(i) of P.L. 99.239--the Phase 2 study. I also appreciate your providing me with a copy of Resolution 75 by which the Nitijela records its support of the recommendations made by the Rongelap Atoll local government at the November 16, 1989, hearings before Representative Ron de Lugo's subcommittee in Washington.

Regarding our position on the Phase 2 study, as our testimony at the hearings indicated, our technical data, which has been reviewed by numerous independent experts, supports the habitability of Rongelap Island now. We stand by these data. Nevertheless, we are sympathetic to the concerns of the Rongelap people and will subject our data as well as other issues relevant to Rongelap within the purview of this Department to an additional independent review.

Regarding the Rongelap medical records, we have made those records available to the individual patients and to several medical treatment facilities in the Marshall Islands.

It would be premature for us to take a final position on the Phase 2 study pending completion of our independent review. However, if a Phase 2 study is undertaken, the Department will cooperate by making all studies, documents, data, and other historical materials available to the study team. Until then, we look forward to continuing our relationship with the people of the Marshall Islands in the hope and expectation that the Rongelap people will soon return to their home.

Sincerely,

James D. Watkins
Admiral, U.S. Navy (Retired)

NITIJELA OF THE MARSHALL ISLANDS

11TH CONSTITUTIONAL REGULAR SESSION, 1990

A Resolution

To support the recommendations submitted to the United States Congress by the Rongelap Atoll Local Government at the November 16, 1989, Oversight Hearing on the Safety and Habitability of Rongelap Atoll.

Offered by

Ministers Kunar Abner, Christopher J. Loesk,
Amsa Jonathan, Ruben R. Zackhras,
Phillip Muller, Brenson S. Wase and
Senator Imata Kabua

Date January 24, 1990

ADOPTED January 26, 1990



Rufina N. Jack

Clerk of the Nitijela

A RESOLUTION

To support the recommendations submitted to the United States Congress by the Rongelap Atoll Local Government at the November 16, 1989, Oversight Hearing on the Safety and Habitability of Rongelap Atoll.

1 WHEREAS, the United States Congress held a special Oversight
2 Hearing on the Safety and Habitability of Rongelap Atoll on
3 November 16, 1989, in Washington, D.C.; and

4 WHEREAS, this hearing was held by the Subcommittee on
5 International and Insular Affairs, a subcommittee of the Committee
6 on Interior and Insular Affairs, chaired by Congressman Ron deLugo;
7 and

8 WHEREAS, testimony was received from Senator Jeton Anjain, on
9 behalf of the Rongelap Atoll Local Government and the people of the
10 Rongelap community, and the Honorable Oscar deBrum, Chief
11 Secretary, Government of the Republic; and

12 WHEREAS, the Rongelap Atoll Local Government, at the Oversight
13 Hearing on the Safety and Habitability of Rongelap Atoll, submitted
14 the following recommendations to the U.S. Congress and the U.S.
15 Government:

- 16 (1) that the Phase 2 comprehensive and independent study of
17 Rongelap Atoll be undertaken pursuant to Public Law 99-
18 239, Section 103(i), the Compact of Free Association;
- 19 (2) that the U.S. Government and the Congress fund the Phase
20 2 Work Plan, "Making Rongelap Habitable: Proposed
21 Workplan for a Phase 2 Comprehensive Study", prepared
22 by P&D Technologies, April, 1989;
- 23 (3) that humanitarian emergency assistance be granted the
24 Rongelap people to provide for temporary resettlement
25 during the Phase 2 study and implementation of resulting
26 cleanup recommendations;
- 27 (4) that the U.S. Government fund, based upon the conclusions
28 and recommendations as to habitability that results from
29 the Phase 2 study, the Preliminary Plan for the

Rehabilitation and Resettlement Study of Rongelap Atoll,
prepared by Holmes and Narver, April 1988;

(5) that the Compact of Free Association be amended to extend
the U.S. food assistance program, which will soon expire,
30-50 years to conform to the recommendations of the
Rongelap Reassessment Project;

(6) that the Department of Energy, and in particular
Brookhaven National Laboratory, be directed to make all
medical and research records fully available, without
cost, to members of the Rongelap community, including the
records of deceased Rongelapese, so that the Rongelap
people may present claims to the Nuclear Claims Tribunal,
created by the Compact of Free Association, and ensure
that those medical and research records are reviewed as
part of the Phase 2 study;

(7) that the US Government, and in particular the U.S.
Department of Energy, be directed to fully cooperate with
the Phase 2 study by making all studies, documents, data,
and other historical and materials available to the Phase
2 Study Team;

(8) that the statutory principle of "independence" as
contained in the Compact of Free Association, be upheld.
It is inappropriate for the Department of Energy to study
its own work on health, safety and the environment; and

(9) that Rongelap be afforded the right to select the Phase
2 study contractor; and

WHEREAS, the recommendations set forth herein are fully
consistent with the Compact of Free Association and the Marshall
Islands Constitution; and

WHEREAS, the Government of the Republic of the Marshall
Islands endorses and supports the efforts of the people of Rongelap
to implement these recommendations; now therefore

BE IT RESOLVED by the people of the Marshall Islands through
their Nitijela in its Eleventh Constitutional Regular Session,

1 1990, that the Nitijela endorse and support, and it hereby endorses
2 and supports, the recommendations submitted by the Rongelap Atoll
3 Local Government to the U.S. Congress, and respectfully requests
4 that the U.S. Government fully and vigorously support the
5 recommendations set forth in this Resolution and urges their
6 immediate implementation; and

7 BE IT FURTHER RESOLVED that certified copies of this
8 Resolution be transmitted by the Speaker of the Nitijela to the
9 President of the United States, the Speaker of the U.S. House of
10 Representatives, the Majority Leader of the U.S. Senate, the
11 Chairman of the House Interior and Insular Affairs Committee, the
12 Chairman of the Senate Energy Committee, the Chairman of the House
13 and Senate Interior Appropriations Committees, the Secretary of
14 State, the Secretary of Energy, and the Secretary of the Interior
15 for immediate action.


16 Certificate

17 I hereby certify:


18 (1) that the Nitijela Resolution No. 75 has been adopted
19 by the Nitijela of the Marshall Islands on the 26th day of
20 January, 1990; and

21 (2) that I am satisfied that Nitijela Resolution No. 75
22 has been adopted in accordance with the Constitution of the
23 Marshall Islands and the Rules of the Nitijela.

24 I hereby place my signature before the Clerk of the Nitijela this
25 26th day of January, 1990.

26 
27 _____
28 Kessan H. Nete, Speaker
29 Nitijela of the Marshall Islands

30 Attest:

31
32 
33 Rufina N. Jack, Clerk
Nitijela of the Marshall Islands